

House File 2563 - Reprinted

HOUSE FILE 2563
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2296)

(As Amended and Passed by the House March 10, 2020)

A BILL FOR

1 An Act creating a work group relating to child fatality
2 protocol and alleged child abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. DEPARTMENT OF HUMAN SERVICES — CHILD FATALITY
2 PROTOCOL AND ALLEGED CHILD ABUSE WORK GROUP.

3 1. The department of human services shall convene a work
4 group of state and local agencies who have experience and
5 expertise in cases involving child fatalities and alleged child
6 abuse. The work group shall develop a protocol for responding
7 to the scene of the death of a child that constitutes a death
8 affecting the public interest, as defined in section 331.802,
9 that may involve alleged child abuse. The work group shall
10 consider all of the following in developing a protocol:

11 a. All involvement with the family of the child shall be
12 conducted in a nonaccusatory manner, sensitive to the grief and
13 emotions that family members are experiencing.

14 b. Written information shall be provided to the family
15 explaining the legal requirements for an investigation
16 involving law enforcement and the medical examiner consistent
17 with section 331.802, as well as possible family separation,
18 removal of the family from the home, and financial
19 responsibility for any medical services ordered by the
20 department, the medical examiner, or law enforcement.

21 c. The department shall provide an advocate to assist the
22 family in understanding the information provided to the family.

23 d. A family shall be allowed to have an advocate of their
24 choosing present as well as the advocate provided by the
25 department.

26 e. Any interview by law enforcement or the department or
27 an agent of the department of a minor child who is a witness
28 to a child death shall be conducted in a trauma-sensitive,
29 developmentally appropriate manner which aligns with nationally
30 recognized, evidence-based child forensic interview protocols.

31 f. If a minor sibling, or any other minor child living
32 in the same home as the child who died, is removed from the
33 home and placed in the care of a temporary caretaker, at the
34 request of law enforcement or the department and with the
35 consent of the parent, the temporary caretaker shall sign a

1 statement stating that the temporary caretaker agrees to be
2 responsible for the child or children. The statement shall
3 include any special instructions necessary for the care of
4 the child or children, including but not limited to feeding,
5 clothing, medications, activities, and emergency medical care.
6 If the child or children are transferred to the care of another
7 temporary caretaker, the new temporary caretaker shall sign a
8 similar statement before the new temporary caretaker assumes
9 responsibility for the child.

10 g. If an autopsy of the deceased child indicates that
11 the cause of death was not related to child abuse and the
12 department determines that the household is safe for the child
13 to return to the family, the home shall be restored to the
14 family, and any minor children in the temporary care of a
15 caretaker shall be returned to the family.

16 2. The membership of the work group shall include but is
17 not limited to all of the following, to be appointed by the
18 director of the department of human services:

19 a. Members of law enforcement, including local law
20 enforcement, the sheriff's department, and the department of
21 public safety.

22 b. Members from child protection centers.

23 c. A family member of an individual involved in child abuse
24 investigations.

25 d. A county attorney.

26 e. A representative from the office of the state medical
27 examiner.

28 3. The department shall submit its findings and
29 recommendations in a final report to the general assembly by
30 November 15, 2020.